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001/007
US PATENT & TRADEMARK
OFFICE60,469-037
OT-4812**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: O'Donnell, et al.
Serial No.: 09/921,803
Filed: 08/03/2001
Group Art Unit: 3654
Examiner: Matecki, Katherine A.
For: ELEVATOR BELT ASSEMBLY WITH WAXLESS COATING

REQUEST FOR REFUND

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests a refund to Deposit Account No. 50-1482. A charge was made regarding Application No. 09/921,803 for an extension of time associated with filing a Notice of Appeal. That extension of time was not due and the charge should not have been made. Therefore, a refund is in order.

The Notice of Appeal was filed on May 15, 2006. That was prior to the mailing date of an Advisory Action on May 17, 2006. Applicant's Certificate of Facsimile for the Notice of Appeal is attached. There is no fee due because the Notice of Appeal was filed before the mailing date of the Advisory Action and Applicant responded to the Final Office Action within two months. The Final Office Action was mailed on January 12, 2006. Applicant filed a Response on March 10, 2006. A copy of Applicant's Certificate of Facsimile Transmission for that Response and a copy of the Auto-Reply from the Patent Office is attached.

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OT-4812

Applicant respectfully requests a refund of the amount of \$450.00 to our deposit account.

Respectfully submitted,

CARLSON, GASKEY & OLDS

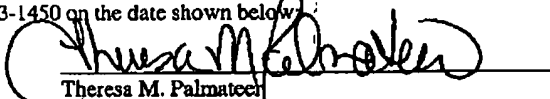
By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: August 17, 2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:


Theresa M. Palmateer

Date: August 17, 2006

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In re application: O'Donnell, et al.
Serial No.: 09/921,803
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Examiner: Matecki, Katherine A.
For: ELEVATOR BELT ASSEMBLY WITH WAXLESS COATING

NOTICE OF APPEAL

Applicant hereby appeals the final rejection of January 12, 2006. Applicant previously filed a Notice of Appeal on January 24, 2004 and paid fees in the amount of \$330.00. A Credit Card Payment Form is attached, authorizing fees in the amount of \$170.00, which is the difference between current appeal fees and those paid in 2004. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

David J. Gaskey
Registration No. 32,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: May 15, 2006

60,469-037
OT-4812

CERTIFICATE OF FACSIMILE

I hereby certify that this Notice of Appeal relative to Application Serial No. 09/921,803 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on May 15, 2006.


Theresa M. Palmatier

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: O'Donnell, et al.

Serial No.: 09/921,803

Filed: 02/02/2001

Group Art Unit: 3652

Examiner: Tina, Thuy Van

For: ELEVATOR BELT ASSEMBLY WITH WAXLESS COATING

REQUEST FOR RECONSIDERATION

Mail Stop AP
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on January 12, 2006. Applicant respectfully requests reconsideration.

The Examiner's conclusion regarding the *Scudler* reference is incorrect. In column 1, the *Scudler* reference clearly teaches that the semi-plastic state of the polyurethane is what makes it "sticky." That does not in any way suggest that the polyurethane does not contain a wax. Therefore, it cannot be reasonably interpreted that the polyurethane in *Scudler* does not include wax. The addition of an oily substance in the *Scudler* reference does not suggest that the polyurethane itself does not include wax and stretching the teachings of the reference in that way is not reasonable.

Applicant respectfully disagrees with the Examiner's conclusions regarding the proposed combination of the DE '654 and *Scudler* references. The Examiner's

PAGE 57 * RCVD AT 3/17/2006 12:31 PM [Eastern Standard Time] * SVR:USPTO-EPXFP-1/7 * DNIS:2738300 * CSID:12489888363 * DURATION (mm-ss):02-40

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: O'Donnell, et al.
Serial No.: 09/921,803
Filed: 08/03/2001
Group Art Unit: 3652
Examiner: Tran, Thuy Van
For: ELEVATOR BELT ASSEMBLY WITH WAXLESS COATING

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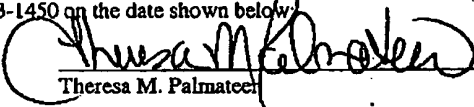
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Theresa M. Palmateer

Date: August 17, 2006

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